



Sanctions/measures applicable to applicants for international protection who commit serious breaches of the rules of accommodation centres or display seriously violent behaviour

EMN INFORM - LIMITED CIRCULATION¹

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1. INTRODUCTION

In November 2019, in the *Haqbin* case,² the Court of Justice of the European Union (CJEU) ruled that an applicant for international protection who committed serious breaches of the rules of an accommodation centre where they were staying, or who showed seriously violent behaviour, could not be deprived – even temporarily – of material reception conditions such as food, housing and clothing. According to the CJEU ruling, depriving applicants for international protection of these elements would impede the fulfilment of their most basic needs. The Court added that all sanctions or other measures imposed by

Member States in this context need to be proportionate and respect the human dignity of applicants (see section 4).

This EMN inform analyses the impact of the *Haqbin* case on national approaches to imposing sanctions/measures to applicants for international protection and identifies the challenges faced by Member States in imposing administrative sanctions/measures under Article 20(4) and (5) of the Recast Reception Conditions Directive (2013/33/EU)³ (see section 3).



2. KEY POINTS TO NOTE

- Serious breaches of the rules of accommodation centres or seriously violent behaviour by applicants for international protection are a significant issue in about half of the Member States.⁴ In general, Member States consider a serious breach of the internal rules of accommodation centres to be any event or act that may cause material damage to the reception facilities or compromise the physical or moral integrity of others.

The consumption of alcohol on the premises, the use of drugs, or the possession and use of weapons are also commonly considered serious breaches of the internal rules of accommodation centres. Similarly, seriously violent behaviour typically refers to the wilful destruction or damage of property and any form of violence or aggression against staff members or other applicants residing in the premises.

¹ To be only shared with European Migration Network National Contact Points (EMN NCPS), policymakers, immigration and reception services, return units, detention centres and accredited non-governmental organisations (NGOs) or international organisations that manage reception facilities.

² Judgment of the CJEU, Grand Chamber, of 12 November 2019, *Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers* (C-233/18), <https://curia.europa.eu/juris/document/document.jsf?jsessionid=22034A3FDD2448F4B42FF403029AFCE4?text=&docid=220532&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=13064902>, last accessed on 14 December 2021.

³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, p. 96, (Recast Reception Conditions Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>, last accessed on 14 December 2021.

⁴ CY (especially in the First Reception Centre), BE (934 incidents in all reception centres from January-October 2021), EL, ES, IE (relatively small but persistent number of residents who repeatedly breach centre rules), IT, LU (approx. 40 disciplinary proceedings from January-October 2021), LV (one media report), MT (several incidents in 2018-2019 when accommodation centres were operating at full occupancy), NL (15 697 reported incidents in 2019, although these breaches are not always 'serious' and may include smoking in the bedroom, taping over smoke alarms, disregarding staff instructions, etc.), PL, PT, SE.

- Some of the most common administrative sanctions/ measures applied by Member States in the context of serious breaches of internal rules or seriously violent behaviour displayed by applicants for international protection in accommodation centres include transferring the applicant for international protection to another accommodation centre and/or reducing the daily expenses allowance.
- In nearly all Member States, no legal or policy changes were required (or are foreseen) following the Haqbin case.⁵ Two Member States⁶ changed the types of administrative sanctions/measures that can be imposed and, as a result of the ruling, applicants for international protection causing serious disturbances can no longer be excluded from accommodation centres. Most Member States reported that the reduction or withdrawal of material reception conditions is still among the administrative sanctions/measures that can be imposed.⁷ This commonly includes the reduction or temporary withdrawal of the monthly financial allowance (pocket money). Most Member States noted that decisions on the reduction or temporary withdrawal of material reception conditions are taken on a case-by-case basis, depending on the particular situation and the principle of proportionality,⁸ and that those sanctions do not undermine the applicants' dignified standard of living and access to healthcare.⁹
- More lenient sanctions/measures are usually applied to minors and other vulnerable persons,¹⁰ e.g. educational measures,¹¹ the option for minors to undertake community work¹², or the placement of minors in prospective accommodation centres.¹³ In some Member States, the reduction or withdrawal of material reception conditions is not applied to minors.¹⁴ In other Member States, age¹⁵ and vulnerability¹⁶ are taken into account when assessing individual circumstances.
- In all Member States where the withdrawal of material reception conditions is still foreseen as a sanction, applicants for international protection may appeal against the administrative sanctions/measures imposed.¹⁷ The legal timeframe for appealing the decision ranges from several working days to a couple of months.
- Administrative sanctions/measures imposed on applicants for international protection for serious breaches of the rules of accommodation centres or seriously violent behaviour do not have an impact on their application for international protection.
- Several Member States have faced challenges when applying administrative sanctions/measures, such as resistance or non-compliance on the part of the individual.¹⁸
- In order to prevent and respond to serious breaches or seriously violent behaviour, Member States provide accommodation centre staff with guidelines and training on de-escalation techniques and restorative ways of working. Nearly half of the Member States also cooperate with NGOs providing psychosocial support to address some of the possible root causes of breaches and/or violent behaviour displayed by applicants for international protection.



3. SCOPE AND AIM OF THE INFORM

The aim of this EMN inform is to examine the impact of the judgment in the Haqbin case on national approaches to impose sanctions/measures to applicants for international protection and to identify any **challenges faced by Member States in imposing administrative sanctions/measures under Article 20(4) and (5) of the Recast Reception Conditions Directive (2013/33/EU)**. The inform identifies the types of administrative sanctions/measures that can be imposed in accordance with the limits established by the jurisprudence of the CJEU and analyses whether any legal or policy changes were required (or are foreseen) in Member States. It also seeks to identify whether and how applicants' behaviours **may affect the procedure for granting international protection status**. Finally,

it examines the **measures in place in the Member States to deter applicants for international protection** from committing serious breaches of the rules of reception centres or engaging in seriously violent behaviour, and analyses **how competent authorities in accommodation centres and other stakeholders cooperate** to prevent and respond to these types of behaviours.

As the Haqbin case concerned a minor, the inform looks at the **extent to which different sanctions/measures are applied to adults and minors, and how the principle of the best interest of the child is taken into consideration**. It also examines how sanctions/measures differ for other vulnerable groups.

5 AT, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, MT, PL, PT, SE, SI, SK.

6 LU, NL.

7 AT, BE, CY, CZ, EL, ES, FR, HR, IE, IT, LT, LU, MT, NL, SI, SK.

8 AT, BE, EL, ES, FR, HR, HU, IE, LT, LU, MT, NL, SI, SK.

9 AT, BE, CY, CZ, EL, ES, FR, HR, IE, LT, LU, NL, PL, SI, SK. In AT, the decision to withdraw material reception conditions must not limit access to emergency healthcare only.

10 BE, ES, HR, LT, MT, NL, PL.

11 BE.

12 MT.

13 NL.

14 CZ, FR, IT.

15 BE, CY, FR, LT, LU, NL.

16 BE, CY, FR, IE, LU, NL.

17 BE, BG, CY, CZ (sanctions/measures, except relocation), DE, EE, ES, FR, HR, IE, IT, LT, LU, LV, NL, MT, PL, PT, SI, SK.

18 BE, CZ, ES, FI, IT, LU, MT, NL, PL, SK.

Information for this inform was collected by the EMN NCPs through two EMN ad hoc queries (AHQ).¹⁹



4. EU CONTEXT AND LEGAL FRAMEWORK

The reception conditions that should be granted to applicants for international protection are laid down in the Recast Reception Conditions Directive (2013/33/EU), along with their rights to education, access to the labour market and vocational training, healthcare and documentation, among others.

The Recast Reception Conditions Directive (2013/33/EU) establishes that Member States are required to ensure that applicants for international protection have access to “**material reception conditions**”,²⁰ including “**housing, food and clothing**” provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a “**daily expenses allowance**”,²¹ and that those shall be made available to them when the application for international protection is made.²² The material reception conditions provided by Member States shall ensure an “**adequate standard of living**” for applicants, which guarantees their subsistence and protects their physical and mental health.²³

Recital 25 of the Recast Reception Conditions Directive (2013/33/EU) states that in order to reduce the possibilities of abuse of the reception system, Member States can identify circumstances under which material reception conditions for applicants may be reduced or withdrawn while continuing to ensure a dignified standard of living. This principle was developed in Article 20(4) of the Directive, which states that **Member States can determine sanctions applicable to serious breaches of the rules of accommodation centres, as well as to seriously violent behaviour**. However, Article 20(4) does not specify the nature of those sanctions, giving Member States discretion, provided they comply with the conditions established in Article 20(5), i.e. decisions shall, under all circumstances, ensure access to healthcare in accordance with Article 19 of the Directive; shall be taken individually, objectively and impartially and reasons

shall be given; shall take into consideration the particular situation of the person concerned;²⁴ shall take into consideration the principle of proportionality; and ensure an dignified standard of living. According to Article 26(1) of the Directive, Member States shall also ensure that any decision related to the withdrawal or reduction of benefits that affects applicants individually may be appealed within the procedures laid down in national law.

In the **Cimade case**²⁵ in 2012, the CJEU ruled that applicants for international protection cannot be deprived – even temporarily – of the protection of minimum standards of respect and protection of **human dignity** as enshrined in Article 1 of the Charter of Fundamental Rights of the European Union.

In 2019, in the **Haqbin case**, the CJEU shed further light on the scope and application of Articles 20(4) and (5) of the Recast Reception Conditions Directive (2013/33/EU). The Court stated that in light of Article 1 of the Charter of Fundamental Rights of the European Union²⁶ – which states the inviolability of **human dignity** – Member States cannot impose sanctions that consist of the withdrawal, even temporarily, of material reception conditions **related to housing, food or clothing as doing so would deprive applicants for international protection of the possibility to meet their most basic needs**. The Court emphasised that any other sanctions imposed under Article 20(4) of the Directive must comply with the conditions established in Article 20(5), including the **principle of proportionality and respect for human dignity**. As the Haqbin case concerned an unaccompanied minor, the Court also stated that considering, *inter alia*, Article 24 of the Charter of Fundamental Rights of the European Union, any sanctions imposed on an unaccompanied minor under Article 20(4) must take into account the best interests of the child.

19 AHQ 2021.63 on ‘Sanctions applicable to applicants for international protection who commit serious breaches of the rules of the accommodation centres or display seriously violent behaviour’ was requested by LU NCP on 10 October 2021. At the time of writing, responses to the AHQ were received from 25 Member States: AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK. Additional information was collected for some Member States via AHQ 2021.009 on ‘Measures to deal with those asylum seekers who are involved in disproportionate disruptive and transgressive behaviour’. Responses to that AHQ were received from 23 Member States: AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK.

20 Article 17(1) of the Recast Reception Conditions Directive (2013/33/EU).

21 Article 2(g) of the Recast Reception Conditions Directive (2013/33/EU).

22 Article 17(1) of the Recast Reception Conditions Directive (2013/33/EU).

23 Article 17(1) and (2) of the Recast Reception Conditions Directive (2013/33/EU).

24 Especially persons covered by Article 21 of the Recast Reception Conditions Directive (2013/33/EU).

25 Judgment of the CJEU of 27 December 2012, Cimade and Gisti (C-179/11), <https://curia.europa.eu/juris/document/document.jsf?text=&docid=127563&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=490132>, last accessed on 23 December 2021.

26 Charter of Fundamental Rights of the European Union, OJ C 326, p. 6 (the Charter), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>, last accessed on 27 December 2021.



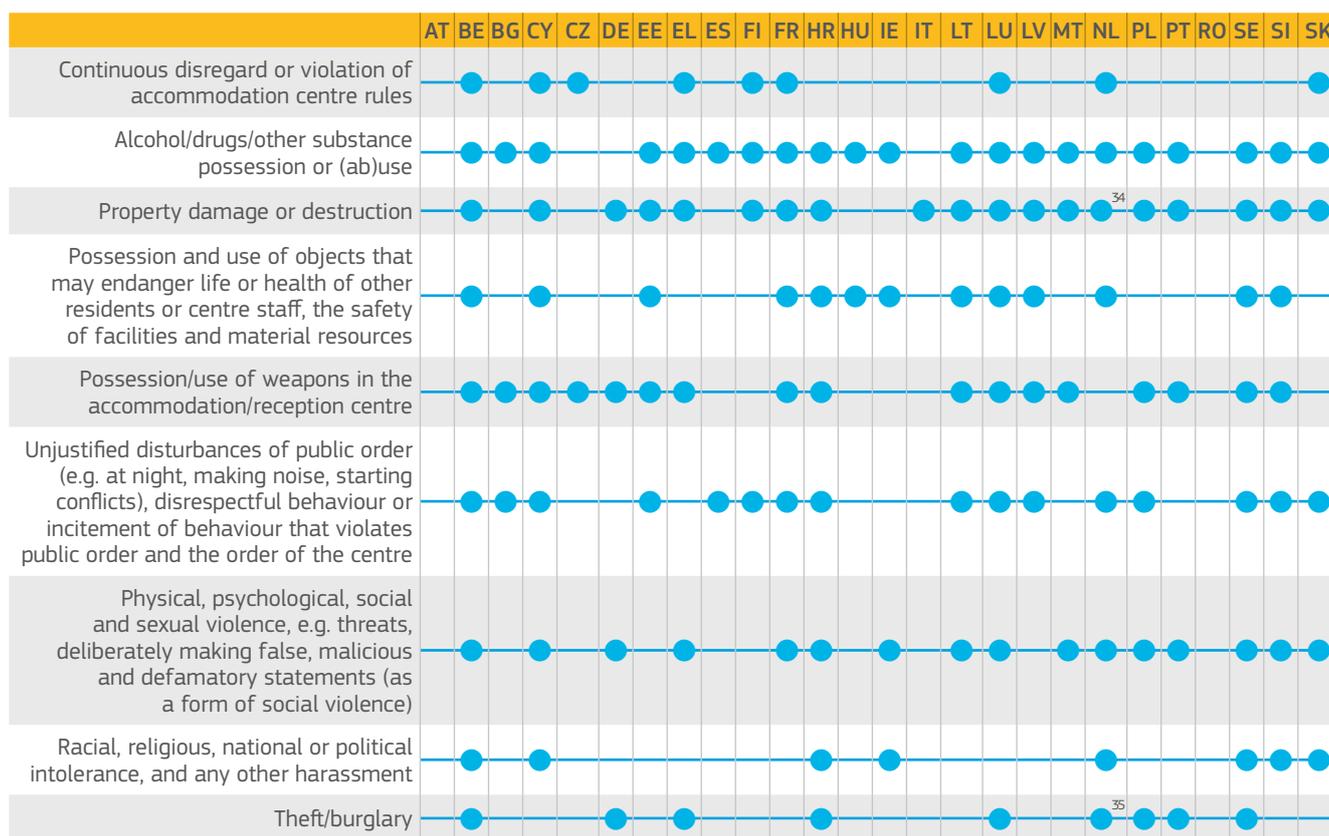
5. WHAT CONSTITUTES A SERIOUS BREACH OF INTERNAL RULES OF ACCOMMODATION CENTRES AND SERIOUSLY VIOLENT BEHAVIOUR?

5.1. WHAT CONSTITUTES A SERIOUS BREACH OF INTERNAL RULES OF ACCOMMODATION CENTRES?

Member States reported a range of scenarios that may constitute a serious breach of internal rules of accommodation centres for applicants for international protection (see Figure 1). Although not always defined in law,²⁷ generally speaking, **any event or act that may cause material damage to the facilities or compromise the physical or moral integrity of other persons – both residents and staff – may be**

considered a (serious) breach of the rules of accommodation centres. More specifically, failure to comply with – or acting contrary to – the following provisions is considered a (serious) violation of the internal rules of the accommodation centres in the majority of Member States: alcohol/drugs/other substance²⁸ possession or (ab) use,²⁹ property damage or destruction,³⁰ physical, psychological, social and sexual violence,³¹ possession or use of weapons,³² and unjustified disturbances of public order.³³ Other serious breaches of internal rules may include gambling, bringing others persons onto the premises without permission and/or letting them stay overnight, etc. (see Figure 1).

Figure 1: Serious breaches of internal rules of accommodation centres, as defined by Member States



27 BE, DE, EE, LV. In BE, the Reception Act does not indicate the acts considered serious breaches of the rules of accommodation centres or seriously violent behaviour. The explanatory memorandum, however, clarifies that this will be assessed by the centre manager after a detailed investigation during which the asylum seeker will be heard. In DE, accommodation centres fall within the responsibility of the Länder and municipalities and is therefore decentralised. Accommodation centres have house rules that are enforced by local operators. Due to the number of accommodation centres in different jurisdictions, house rules and their enforcement vary. Breaches are always considered serious when they constitute breaking criminal law. In EE, serious breaches are not defined in the internal rules of the accommodation centre nor in the legislation. However, the internal rules specify the items (e.g. weapons, explosives, drugs, etc.) that are prohibited in the centre. In LV, serious breaches of internal rules of the accommodation centre are not defined in law. Under the internal rules of reception centres, however, they cover any incident that risks the safety of centre staff and residents.

28 Other intoxicating or illicit substances, or substances that may otherwise endanger human life or health or the safety of facilities and material resources.

29 BE, BG, CY, EE, EL, ES, FI, FR, HR, HU, IE, LU, MT, PL, PT, SE, SI, SK.

30 BE, CY, DE, EE, EL, FI, FR, HR, IT, LT, LU, MT, PL, PT, SE, SI, SK.

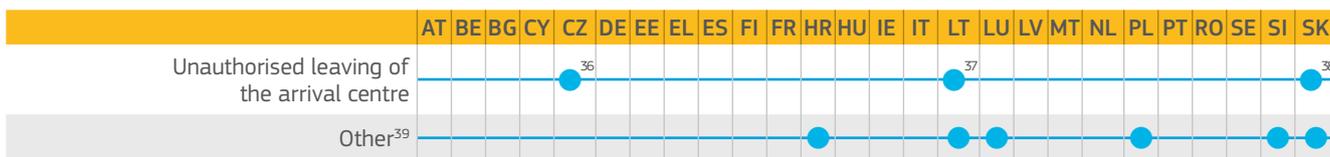
31 BE, CY, DE, EL, FR, HR, IE, LT, LU, MT, NL, PL, PT, SE, SI, SK.

32 BE, BG, CY, CZ, DE, EE, EL, FR, HR, LT, LU, NL, PL, PT, SE, SI.

33 BE, BG, CY, EE, ES, FI, FR, HR, LT, LU, NL, PL, SE, SI, SK.

34 Seriousness is determined on a case-by-case basis.

35 This is possible, although in practice is more related to public order (outside the accommodation centre).



Some Member States reported that not all breaches are immediately considered ‘serious’ but may become so where they occur repeatedly. **Several Member States described the conditions under which breaches of the internal rules of the accommodation centre may amount to a serious breach.**

In Lithuania, the Foreigners Registration Centre considers regular (two or more) malicious infringements of the rules, prohibitions, and restrictions as serious breaches of internal rules that may be subject to disciplinary measures.

In the Netherlands, not all incidents are considered to have serious impact. For example, the impact of an applicant not cleaning their room (which can be considered a transgression of house rules) is considerably lower than aggression towards staff or other residents. Whether an incident is considered ‘serious’ is determined by the Central Agency for the Reception of Asylum Seekers (COA) on a case-by-case basis (i.e. does the incident have a small, medium, or (very) large impact?) and the sanctions that are applied are adapted accordingly. There are some breaches that are automatically considered serious, such as mistreatment of staff or other residents.

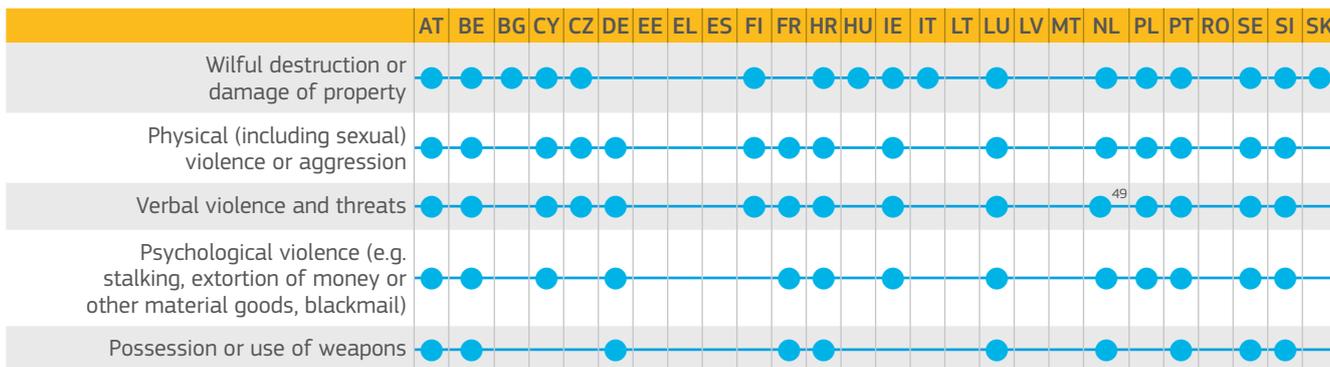
The ways in which (serious) breaches of the rules are determined may differ depending on whether that breach is committed by an adult, a minor, or a person from a vulnerable group.⁴⁰ Where rules are breached, minors and vulnerable people usually incur more lenient sanctions/measures (see section 6).

5.2. What constitutes seriously violent behaviour?

Seriously violent behaviour in an accommodation centre is not always defined in law,⁴¹ and **not all Member States differentiate between a serious breach of internal rules of accommodation centres and seriously violent behaviour.**⁴²

Overall, Member States are broadly similar on what constitutes seriously violent behaviour (see Figure 2). Such behaviour usually includes wilful destruction or damage to property,⁴³ physical (including sexual) violence or aggression,⁴⁴ verbal violence and threats,⁴⁵ psychological violence⁴⁶ and possession or use of weapons.⁴⁷ A number of other behaviours can also be considered seriously violent (see Figure 2).

Figure 2: Seriously violent behaviour in accommodation centres, as defined by Member States⁴⁸



36 In CZ, asylum seekers are legally obliged to stay in the arrival centre until the completion of the relevant reception procedures. If they leave the centre before that time, this constitutes a serious breach of the internal rules of the centre.

37 In LT, whether unauthorised leaving of the arrival centre is considered a serious breach is evaluated on a case-by-case basis and may vary between centres.

38 In SK, applicants leaving the centre need an authorisation from staff (for both short-term and long-term absence). If asylum seekers leave without authorisation, this is considered a serious breach.

39 For example, gambling or playing cards for money (HR), bringing others onto the premises without permission or allowing them to stay overnight (HR), disposal of garbage and food waste within the facility (HR), not attending obligatory education (HR), smoking outside the designated areas (LT, LU), failure to register entrances/exits (LT), infringement of the rules on protection against fire (SI), obstructing the process of accommodating a person in a room (SI), recording or photographing other residents or centre staff without consent (PL, SI), unauthorised relocation of equipment in residential rooms of the centre (PL), using additional heating appliances that do not constitute equipment of the centre (PL) taking meals out of the canteen (PL), hunger strike (SK).

40 HR, LT, MT, NL, PL, PT.

41 BE, CY, EE, EL, HR, IE, IT, LV. In EL, at the discretion of the head of the accommodation centre.

42 BE, IE, LT, LV, MT, NL, SK.

43 AT, BE, BG, CY, CZ, FI, HR, HU, IE, IT, LU, NL, PL, PT, SE, SI, SK.

44 AT, BE, CY, CZ, DE, FI, FR, HR, IE, LU, NL, PL, PT, SE, SI.

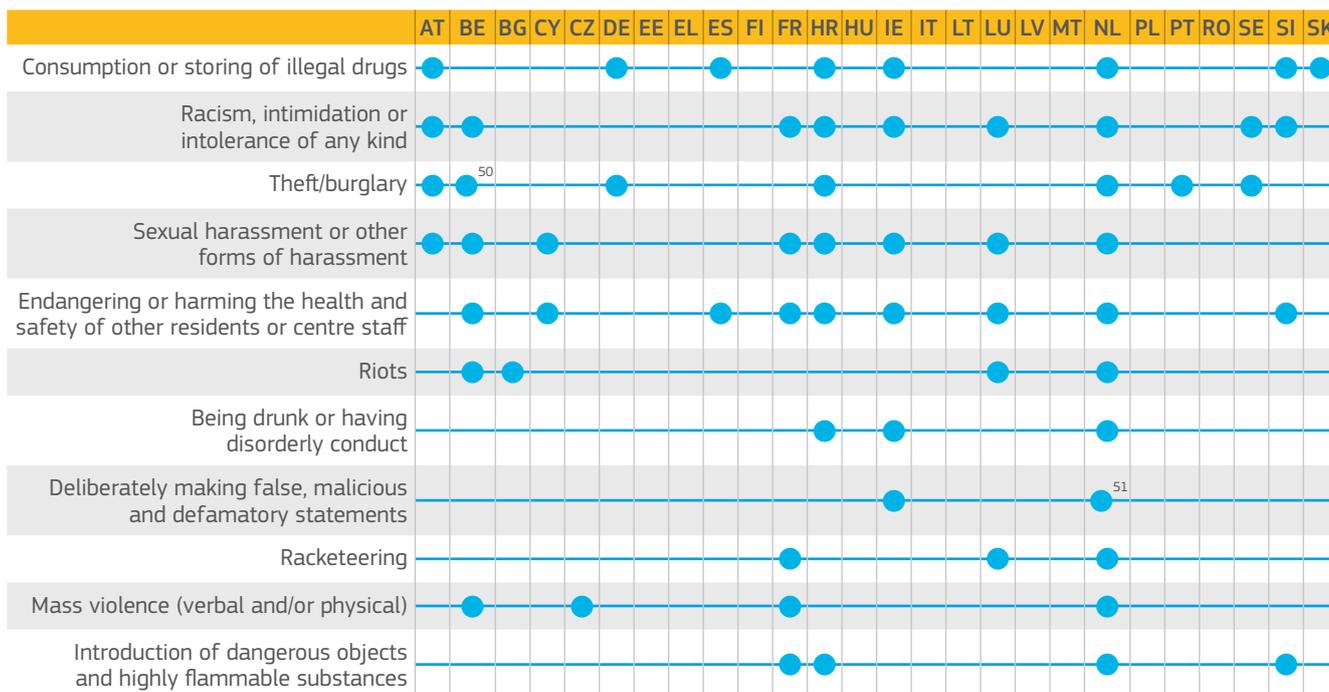
45 AT, BE, CY, CZ, DE, FI, FR, HR, IE, LU, NL, PL, PT, SE, SI.

46 AT, BE, CY, DE, FR, HR, IE, LU, NL, PL, PT, SE, SI.

47 AT, BE, DE, FR, HR, LU, NL, PT, SE, SI.

48 In the NL, whilst some of these violent behaviours are considered serious, this is not always the case and often depends on the severity of the incident(s).

49 Depending on the severity of the incident(s).



6. OVERVIEW OF ADMINISTRATIVE SANCTIONS/ MEASURES APPLIED IN CASE OF BREACHES OF INTERNAL RULES OF ACCOMMODATION CENTRES AND SERIOUSLY VIOLENT BEHAVIOUR

6.1. Are serious breaches of the rules of accommodation centres or seriously violent behaviour a significant issue in member states?

Serious breaches of the rules of accommodation centres or seriously violent behaviour by applicants for international protection are a significant issue in about half of the Member States.⁵² The underlying reasons for incidents and breaches of internal rules vary from misconduct caused as a result of high occupancy rates,⁵³ to mental health problems.⁵⁴ Some Member States noted that, depending on the circumstances, they could notify the police and other competent authorities (see section 8).⁵⁵

In other Member States, breaches of the rules of accommodation centres or seriously violent behaviour do not appear to constitute a significant

issue.⁵⁶ This may be due to the very low number of applicants for international protection, many of whom may leave the territory of a Member State during the asylum procedure.⁵⁷ However, in Latvia and Lithuania, despite the increased number of applicants for international protection in accommodation centres in the second half of 2021 as a result of the exceptional situation at the border with Belarus, violent behaviour by applicants is rare.

6.2. What types of administrative sanctions/measures are applied by member states?

Some of the most common administrative sanctions/measures foreseen by Member States⁵⁸ to respond to serious breaches of internal rules of accommodation centres and seriously violent behaviour include **transferring the applicant to another accommodation centre,**⁵⁹

50 Only violent theft.

51 Depending on the severity of the incident(s).

52 CY (especially in the First Reception Centre), BE (934 incidents in all reception centres from January-October 2021), EL, ES, IE (relatively small but persistent number of residents who repeatedly breach centre rules), IT, LU (approx. 40 disciplinary proceedings from January-October 2021), LV (one media report), MT (several incidents in 2018-2019 when accommodation centres were operating at full occupancy), NL (15 697 reported incidents in 2019, although these breaches are not always 'serious' and may include smoking in the bedroom, taping over smoke alarms, disregarding the instructions of staff, etc.), PL, PT, SE.

53 BE, CY, LU.

54 BE, IE.

55 BE, CY, DE, IE, MT, LV, LU, PL.

56 AT, BG, DE (violence prevention concepts are implemented across accommodation centres to prevent this from becoming a significant issue), EE, FI, FR, HR (51 incidents recorded since 2018, or 0.05% of the total number of applicants for international protection), HU, LT, LV, PL (centres administered by the Border Guard), SI, SK.

57 SK.

58 Except EE, where no specific administrative sanctions/measures appear to exist, but police are notified to take further action if needed. In IE, these sanctions are included in the regulations but have yet to be used in practice.

59 BE, BG, CZ, DE, EL, FI, HR, HU, IE, IT, LU, LV (transfer to the Accommodation Centre for Detained Foreigners at the State Border Guard Service under the Ministry of the Interior), NL, PL, SE, SI.

and reducing the daily expenses allowance⁶⁰ (see Table 3). In exceptional cases, administrative sanctions/

measures may include requesting administrative detention for the individual in question.⁶¹

Table 3 Types of administrative sanctions/measures imposed by Member States on applicants for international protection who commit serious breaches of the rules of accommodation centres or display seriously violent behaviour

Transferring the applicant to another centre	BE, BG, CZ, DE, EL, FI, HR, HU, IE, IT, LU, LV, NL, PL, SE, SI
Reducing daily expenses allowance	BE, CZ, EL, FR, IE, LT, LU, NL, SI, SK
Requesting administrative detention of the applicant in exceptional cases ⁶²	BG, CZ, EL, HR, LT, LV, PL, SI, SK
Accommodating the applicant in another (separate or isolated) part of the accommodation centre	DE, EL, ES, LU, MT, NL, SI
Excluding the applicant from the reception centre	BE, ⁶³ BG, CY, ⁶⁴ EL, FR
Prohibiting the use of some equipment in the common areas of the accommodation centre	BE, EL, LV, NL
Restricting participation in accommodation centre activities	BE, EL, LT, LV, PL
Restriction of movement or obligation to report to the reception centre at a certain time	EL, HR, ⁶⁵ NL
Other ⁶⁶	AT, BG, PL

Some Member States **noted that there is no difference between the administrative sanctions/measures applicable to serious breaches of internal rules and to seriously violent behaviour**, as there was no strictly defined difference between the two.⁶⁷

In the Netherlands, COA staff at the location decide the appropriate measures for a specific person in a specific case, in view of the impact of the incident on staff, other residents and the surroundings. This can be done in cooperation with other relevant parties, such as the Police, the Immigration and Naturalisation Service (IND), and/or the Repatriation and Departure Service.

More lenient administrative sanctions/measures are usually applied in the case of minors (see Boxes 1, 2 and 3)⁶⁸ **and other vulnerable persons.**⁶⁹ Accommodation centre staff may assess each case individually to implement appropriate sanctions, which may be adapted in cases involving vulnerable applicants.⁷⁰

In Croatia, only exceptionally and if necessary and in proportion to the offence is it possible to apply the strictest measure in the form of accommodating the applicant in a Reception Centre for Foreigners.

In Poland, in the context of reception, a minor foreigner may not be placed in immigration detention for breaching internal rules or displaying seriously violent behaviour.

Box 1: Educational measures for minors in Belgium

Under Belgium's Reception Act, (unaccompanied) minors can receive an official sanction. When a minor is sanctioned, primary consideration is given to their best interest.⁷¹ If educational measures can be taken that are at least as effective as sanctions, they are preferred. For example, if a minor falsifies the date on a medical certificate signed by a doctor to justify their absence from school, an educational sanction could see them write a two-page essay on

60 BE, CZ, EL, FR (prior to Haqbin case), IE, LT, LU, NL, SI, SK.

61 BG (accommodation in a closed centre), CZ, EL, HR, LT, LV (Accommodation Centre for Detained Foreigners at the State Border Guard Service under the Ministry of the Interior), PL, SI, SK.

62 Article 8(3) of the Recast Reception Conditions Directive (2013/33/EU) states the exhaustive list of grounds under which applicants for international protection may be detained including to protect national security and public order. Thus, detention can only be requested in the existence of a detention ground if proven necessary and on the basis of an individual assessment of each case. Member States may detain an applicant, if other less coercive alternative measures cannot be effectively applied.

63 In BE, adults and minors can be temporarily excluded from reception for a maximum period of 30 and 15 days, respectively. The sanction of temporary exclusion does not apply to minors under the age of 16 years.

64 In case of exclusion of an applicant from the reception centre for serious breach of law, the Social Welfare Services, as the appointed body, shall ensure the provision of material reception conditions, taking into consideration the needs and individual circumstances of the applicant. According to the law, material reception conditions require the provision of other accommodation and coupons to cover their nutrition and adequate living needs. Where the provision of coupons is not feasible, Social Welfare Services shall offer financial support to the applicant.

65 For example, prohibit movement outside the Reception Centre or outside a certain area, an obligation to report at the Reception Centre at a certain time, an obligation to surrender travel documents and tickets to the Reception Centre.

66 For example, fines if equipment is destroyed.

67 BE, HR, NL.

68 BE, ES, HR, LT, MT, NL, PL.

69 Not regulated in SK, but unaccompanied minors are accommodated in the Centre for Children and Families, which has its own specific rules.

70 BE, EE, FR, IE, LT, NL, SI.

71 In line with Article 22 of the Belgian Constitution.

the consequences of forgery. This is seen to have more impact than, for example, withholding pocket money for two weeks. The guardian or parents of the (unaccompanied) minor receiving a sanction must be involved in the disciplinary measures taken by the reception centre.

Box 2: Community work for unaccompanied minors as an alternative sanction/measure in Malta

In Malta, sanctions against unaccompanied minors and vulnerable persons are minimal. As of spring 2022, the Agency for the Welfare of Asylum Seekers (AWAS) is drafting a SMART plan for unaccompanied minors, which will put forward community work practice as an alternative to the existing warning system (oral and written warning, etc.). The community work process creates opportunities for growth and change, thus it should encourage unaccompanied minors to obtain some work experience to improve their job prospects later in life.

Box 3: Perspective Reception Centres for unaccompanied minors in the Netherlands

In the Netherlands, only limited sanctions/ administrative measures can be taken against unaccompanied minors. These include withholding financial means or transferring the unaccompanied minor to another location for a maximum of seven days (a so-called time-out).⁷² In the case of persistent disruptive behaviour, unaccompanied minors can be temporarily placed in a special reception centre run by the Dutch national guardianship institution for unaccompanied and separated children (Nidos) called the 'Perspective Reception Centre' (*Perspectief Opvang Nidos* - PON). The aim of the PON is to contribute to a safer living environment, decrease the disruptive behaviour of unaccompanied minors, and prompt them to develop a perspective on their future within or outside the Netherlands. The duration of placement in the PON varies, but is only possible until the unaccompanied minor turns 18. The guidance given in the PON is intensive, intercultural and flexible. Key elements include building contacts, creating daily activities (school, sports), and guiding the minor to medical care when necessary. From the age of 16 years onwards, unaccompanied minors who have displaced serious disruptive behaviour may also be placed in the Enforcement and Supervision location (*Handhaving en Toezichtlocatie* - HTL) for a maximum period of three months, where they will be under strict supervision and have limited

freedom of movement.⁷³ Their placement in the HTL requires the approval of their guardian.

Most Member States reported that no legal or policy changes were required (or are foreseen) following the Haqbin case in 2019.⁷⁴

Two Member States noted, however, that the Haqbin case had substantial implications for their reception rules, leading to the revision of their sanction policies⁷⁵ or laws.⁷⁶ In Luxembourg, eviction from accommodation centres is no longer part of its sanctions package since the end of 2019. In the Netherlands, applicants for international protection causing serious disturbances can no longer be excluded from reception, but instead receive a so-called time-out, during which they can stay with friends or family members or be transferred to a special time-out spot at (another) reception centre. Those applicants for international protection may later return to their room at the initial reception centre (or at another centre, if necessary) (see Box 3). In Belgium, the Haqbin ruling had an impact on the possibility of expelling unaccompanied minors from reception centres, but the legal framework remains unchanged and still allows sanctions that restrict reception conditions in a regular centre. To comply with the judgment, Belgium is undertaking new measures to offer guarantees, such as night shelters and meal vouchers for the duration of the sanction (see below). Due to the health crisis caused by the COVID-19 pandemic and other emergencies, partnerships with such night shelters have yet to be implemented.

6.3. Reduction or withdrawal of material reception conditions as a sanction imposed by member states

Most Member States reported that the reduction or withdrawal of material reception conditions is still among the sanctions that can be imposed.⁷⁷ This commonly includes the reduction⁷⁸ or temporary withdrawal of the financial allowance (pocket money)⁷⁹ and/or the reduction or temporary withdrawal of the monthly living allowance.⁸⁰ In Slovenia, material reception conditions (notably financial allowances) may be withdrawn for a period of up to one month. In the Czech Republic, in practice, the reduction of the financial allowance is not applied to minors. Similarly in Italy, the withdrawal of reception conditions is also not applied to minors in practice. In Belgium, adults and minors (older than 16 years) can be temporarily excluded from the right to material reception conditions in a reception facility for a maximum period of 30 and 15 days, respectively. Under certain circumstances, adults can also be

72 Following the Haqbin ruling, (adult) applicants for international protection can be temporarily transferred to a time-out spot and may then return to their room at the reception centre (or another centre, if necessary).

73 All persons placed in the HTL are issued with a freedom restricting order in accordance with Article 56 of the Aliens Act (Vw) 2000. This means that the person must generally remain inside the premises of the HTL, but may spend a few hours per day in a park nearby.

74 AT, BG, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, IT, LT, LV, MT, PL, PT, SE, SI, SK.

75 NL.

76 LU.

77 AT, BE, CY, CZ, EL, ES, FR, HR, IE, IT, LT, LU, MT, NL, SI, SK.

78 BE, CZ, EL, FR, IE.

79 BE, FR, IE, LT, LU, NL, PL, SI, SK.

80 NL (temporary withdrawal unless the individual decides to stay with friends or family, in which case they will continue to receive food and living allowance), FR.

permanently excluded from material reception conditions, except access to medical care.⁸¹

Almost all Member States that continue to include reduction/withdrawal of material reception conditions as a sanction noted that these types of sanctions do not undermine applicants' dignified standard of living and access to healthcare.⁸² In Belgium, Fedasil examines each case in order to guarantee a dignified standard of living for applicants excluded from material reception conditions. Excluded applicants are always guaranteed access to healthcare. In Cyprus, where applicants are sanctioned with exclusion from a reception centre, the Social Welfare Services provide material reception conditions, including alternative accommodation and coupons or direct financial aid to cover food needs and ensure an adequate standard of living. The amount offered in coupons or direct financial support is decided in line with the need for an adequate standard of living for every Cypriot citizen and considers the applicant's financial situation and any vulnerability issues.

In line with Article 20(5) of the Recast Reception Conditions Directive (2013/33/EU), Member States' decisions on the reduction or temporary withdrawal of material reception conditions are taken on a case-by-case basis in view of the particular situation of the person concerned and the principle of proportionality.⁸³ For example, the age⁸⁴ and vulnerability⁸⁵ of the person are considered when applying sanctions, as are their individual circumstances.⁸⁶ In one-third of Member States, a reduction or withdrawal of material reception conditions is not one of the sanctions/measures that can be imposed.⁸⁷

Other administrative sanctions/measures include restriction of movement;⁸⁸ placement in isolation rooms;⁸⁹ a temporary transfer to a time-out spot (within regular reception centres)⁹⁰ or temporary detention;⁹¹ and other disciplinary measures, such as deprivation of the right to

participate in cultural, educational or sports activities.⁹² These administrative sanctions/measures may be limited for a period of time, ranging from seven days⁹³ to three months.⁹⁴

6.4. Possibility of appeal of administrative sanctions/measures by applicants for international protection

Most Member States reported that administrative sanctions/measures can be appealed by applicants for international protection,⁹⁵ although in Belgium⁹⁶ and the Czech Republic,⁹⁷ not all types of sanctions/measures can be appealed.

An applicant can ask the administrative officer who took the first decision to review their decision,⁹⁸ or bring an appeal before a court/tribunal,⁹⁹ or before the Head of State.¹⁰⁰ The timeframe for applying for/filing a review/appeal varies considerably between Member States, from within five, seven, 10 or 15 working days,¹⁰¹ to four weeks,¹⁰² or two¹⁰³ or three¹⁰⁴ months of the sanction being imposed.

Three Member States have no possibility to appeal against administrative sanctions/measures.¹⁰⁵

However, none foresee the withdrawal or reduction of material reception conditions as a sanction that can be imposed in the case of serious breaches of the rules of accommodation centres or seriously violent behaviour.

6.5. Impact of administrative sanctions/measures on the application for international protection

Administrative sanctions/measures imposed on applicants for international protection for

81 The Reception Act states that, except for serious cases of physical or sexual violence, the sanction of definitive exclusion may only be imposed on a person who has previously been temporarily excluded.

82 AT, BE, CY, CZ, EL, ES, FR, HR, IE, LT, LU, NL, PL, SI, SK. In AT, the decision to withdraw material reception conditions must not limit access to emergency healthcare only.

83 AT, BE, EL, ES, FR, HR, HU, IE, LT, LU, MT, NL, SI, SK.

84 BE, CY, FR, HR, LT, LU, NL.

85 BE, CY, FR, HR, IE, LU, NL.

86 BE, CY, FR, HR, IE, LT.

87 BG, DE, EE, FI, HU, LV, PL (Office for Foreigners), PT, SE.

88 HR, NL, SI.

89 PL.

90 BE, NL.

91 On the grounds of protection of public order under Article 8(3) of the Recast Reception Conditions Directive (2013/33/EU). This applies to CZ (only for those who do not belong to a vulnerable group), HR, SK.

92 BE, PL.

93 PL (cultural, educational or sports activities).

94 HR (restriction of movement; in practice, detention of up to three months is rarely applied, with sanctions usually of the order of up to one month).

95 BE, BG, CY, CZ (sanctions/measures, except relocation), DE, EE, ES, FR, HR, IE, IT, LT, LU, LV, NL, MT, PL, PT, SI, SK.

96 Less severe sanctions: formal warning; temporary exclusion from participation in non-essential activities; temporary exclusion from the possibility to perform paid community services in the reception centre.

97 Except in the case of relocation.

98 BE, FR, IE, IT, LT, LV (applicant for international protection can ask the Head of the Office of Citizenship and Migration Affairs to review the decision), MT (AWAS), PL (Office for Foreigners, Guarded Centres for Foreigners, Border Guard Unit), SI (Government Office for Support and Integration of Migrants), SK (head of the accommodation centre or the institution that founded the accommodation centre).

99 BE (Labour Court against the first appeal decision), CY (International Protection Administrative Court), EE (Administrative Court), FR (Administrative Court), HR, IE (International Protection Appeals Tribunal), IT (judicial appeal before the Regional Administrative Court (TAR)), LU (First instance Administrative Court), NL (Court of the Hague), PT (Administrative Court).

100 IT (extraordinary appeal).

101 BE (five working days), CY (within 15 working days), IE (10 working days), PL (seven working days), PT (15 working days), SK (15 calendar days).

102 EE, ES (administrative appeal), LV, NL.

103 ES (judicial appeal).

104 LU (if the decision of the First instance Administrative Court is negative, the individual has the right to appeal the decision before the Administrative Court within 40 days of notification of the decision).

105 FI, HU, SE.

serious breaches of the rules of accommodation centres or for seriously violent behaviour cannot have an impact on the decision on the application for international protection in any of the Member States. In the Netherlands, if the transgressive behaviour is persistent, the IND can prioritise and accelerate the asylum procedure of the applicant concerned.

In line with Article 14(5) of the Recast Asylum Qualification Directive (2011/95/EU),¹⁰⁶ several Member States¹⁰⁷ noted that only where applicants have been convicted of a particularly serious crime in a final judgment and are considered a threat to the community or when they are considered to pose a threat to national security can they be denied refugee status. Similarly, as foreseen under Article 17 of the Recast Asylum Qualification Directive (2011/95/EU), a person may also be excluded from subsidiary protection, when they are considered to pose a threat to national security or the community or when they have committed a serious crime. In Latvia, applicants can also be excluded from subsidiary protection when they constitute a threat to public order or public security.

6.6. Challenges in applying administrative sanctions/measures to applicants for international protection

Several Member States reported challenges in applying administrative sanctions/measures to applicants for international protection for breaches of the rules of accommodation centres or for seriously violent behaviour.¹⁰⁸ One of the main challenges is that **applicants for international protection often resist the sanctions/measures imposed or refuse to comply.**¹⁰⁹ For example, in the Czech Republic, applicants for international protection usually do not pay the fines imposed,

while in Belgium and Italy, residents' resistance to the measures imposed has in some cases led to additional violent behaviour. In France, enforcing a court order to evict a person from an accommodation centre can be difficult and may require the assistance of the police. The administrative authorities also face the challenge of finding another accommodation solution in the context of limited availability.

Another challenge is **the limited types of administrative sanctions/measures that can be imposed.**¹¹⁰ Belgium highlighted the lack of harmonisation in the application of administrative sanctions/measures among different accommodation centres. Several Member States mentioned that the **sanctions are not always effective.**¹¹¹ In the Czech Republic, the reduction of daily allowances has proven very ineffective, especially in cases where applicants for international protection are already working. Similarly in Luxembourg, neither the transfer of residents to a different accommodation facility nor the withdrawal of monthly allowances has a significant effect as a disciplinary measure. The impossibility of evicting someone from an accommodation centre for engaging in aggressive behaviour hampers the protection of other occupants and staff from threats and aggressive behaviour, often for prolonged periods of time.

Some Member States highlighted additional challenges in **imposing administrative sanctions/measures on minors or families.**¹¹²

In the Netherlands, only limited measures can be taken against minors who breach the rules of accommodation centres or display seriously violent behaviour. Poland experiences difficulties in imposing administrative sanctions/measures that require separating family members (e.g. transferring one of the family members to a different accommodation centre).



7. PREVENTIVE MEASURES TO DETER APPLICANTS FOR INTERNATIONAL PROTECTION FROM COMMITTING SERIOUS BREACHES OR DEMONSTRATING SERIOUSLY VIOLENT BEHAVIOUR

Most Member States have preventive measures in place to deter applicants for international protection from committing serious breaches of the rules of accommodation centres or demonstrating seriously violent behaviour.¹¹³

One of the most common preventive measures is **training staff in accommodation centres** to prevent and effectively respond to situations that could lead to serious

violence.¹¹⁴ Some Member States also provide specific training on de-escalation techniques.¹¹⁵ In Luxembourg, staff are trained to detect and prevent situations that could escalate, including first aid in mental health, intervention in the event of a suicide crisis, intercultural mediation, and post-traumatic stress disorder. The European Union Agency for Asylum (EUAA) is developing a training module on conflict management and mediation in

¹⁰⁶ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337, p.9. (Recast Asylum Qualification Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed on 23 May 2022.

¹⁰⁷ BE, CY, DE, EE, ES, FR, HR, LT, LU, LV, NL, SK.

¹⁰⁸ BE, CZ, ES, FI, IT, LU, MT, NL, PL, SK.

¹⁰⁹ BE, CZ, FR, IT, NL.

¹¹⁰ LU, PL, SK.

¹¹¹ BE, CZ, LU, SK.

¹¹² NL, PL.

¹¹³ AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, SE, SI, SK.

¹¹⁴ AT, BE, CY, CZ, DE, FI, FR, HR, LT, LU, MT, NL, PL, SI.

¹¹⁵ BE, LU, MT, NL, PL.

reception in order to support Member States to deal with these types of situations. In Croatia, all social welfare system experts working with unaccompanied children undergo continuous training to improve their relevant knowledge and skills.

Box 4: Belgium's restorative way of working

In Belgium, Fedasil has begun to apply 'restorative practice' in all of its reception structures. Restorative practice has several objectives, at both the preventive and curative level. At a preventive level, efforts are made to improve the living and working climate in reception structures by focusing on the connection between residents and employees and among employees themselves. At a curative level, efforts are made to repair the relational damage that arises after an incident (to the extent possible). In addition, this vision contributes directly to the aim of empowering residents.

Restorative practice was first introduced for unaccompanied minors, but its success saw Fedasil extend the method. It consists of basic training on restorative work, training for managers on change and process management in the context of restorative work, coaching possibilities for 'serious' situations or very specific needs, and inter-vision.

'Time-outs' were introduced for unaccompanied minors, as a preventive measure when cooperation becomes difficult. Here, the minor is temporarily transferred to a special reception location for six days (extendable), then returns to their original reception centre. During that time-out, they engage in a number of activities to strengthen their interpersonal skills, increase resilience and renew their commitment and cooperation.

Fedasil has established several 'time-out' projects with different pedagogical approaches. Some are organised in-house, while others are organised by NGOs who work in the area of guiding young people with behavioural problems.

Information sessions are organised in several Member States,¹¹⁶ with information provided to all residents on their rights and obligations, as well as on the rules of the accommodation centres and the consequences of breaking those rules. In Estonia, accommodation centres organise three to four 'adaptation coffee' sessions each month, where legislation, behavioural norms and everyday issues are discussed informally with applicants. In Luxembourg, information on the rules of accommodation centres is provided individually to each applicant in a language they understand or may reasonably be expected to understand (where needed, applicants can be assisted by an interpreter). In Cyprus, when a resident arrives at an accommodation centre, they are given a written copy of

the regulations of the centre in a language they understand. Residents are required to state their agreement with the internal rules by signing the documents provided.

A number of Member States use **social workers and psychologists to provide psychosocial support** to applicants for international protection in accommodation centres.¹¹⁷ Austria and Croatia have organised workshops with residents, care workers and psychologists so as to improve applicants' quality of life. Bulgaria, Italy, and the Slovak Republic have cultural mediators in accommodation centres who can help to manage potential conflicts, and Croatia has dedicated medical staff who monitor applicants who show signs of violent behaviour. In Belgium, applicants suffering from drug or alcohol dependency receive assistance from specialised care providers. In response to an increase in the number of violent acts due to psychiatric disorders, France implemented a number of preventive measures, including training for social workers on dealing with vulnerabilities, a telephone platform to speak with psychologists and social workers, and a pilot project whereby a health appointment is made available to all applicants at the beginning of the asylum procedure to identify physical and mental health vulnerabilities early on.

Several Member States have implemented **security measures to prevent serious breaches of the rules of accommodation centres or seriously violent behaviour**.¹¹⁸ Those measures typically consist of security guards on-site¹¹⁹ or installing CCTV cameras.¹²⁰ In Lithuania, increased security measures are in place in accommodation centres hosting single men.

Member States have developed guidelines on how to prevent and manage disruptive behaviour in accommodation centres.¹²¹ Croatia and Poland developed specific procedures to recognise, counter and respond to cases of sexual and gender-based violence in accommodation centres (see Box 6). Similarly in Spain, the Secretary of State for Migration has drawn up specific protocols for detecting and responding to cases of gender-based violence and trafficking in human beings in accommodation centres. Germany has developed guidelines on 'minimum standards for the protection of refugees in refugee accommodation', which include principles to monitor violence and protection.

Other preventive measures adopted by Member States include **accommodating women and men separately** (except in the cases of families)¹²² and **accommodating people from the same country or with the same or similar cultural, religious or linguistic backgrounds together** to reduce potential tensions.¹²³ Other preventive measures include **transferring applicants for international protection considered at risk of undesired behaviour to special accommodation units where specific supports are provided** (e.g. mental health support, addiction support).¹²⁴

116 AT, BE, BG, EE, EL, ES, FI, HR, HU, LU, PL, SE, SI, SK.

117 AT, BE, DE, ES, FR, HR, IE, IT, LU, SI, SK.

118 FI, LT, LU, LV, MT, PL, SK.

119 FI, LU, PL, SK.

120 MT, SK.

121 DE, ES, FI, LT, LV, PL, SK.

122 BE, EL, HR, LT, SK.

123 AT, EL, HR, LT, SK.

124 BE, ES, FI, HR, LU.



8. COOPERATION BETWEEN ACCOMMODATION CENTRES AND OTHER STAKEHOLDERS

8.1. Cooperation on preventing serious breaches of the rules of accommodation centres and seriously violent behaviour

In addition to the measures described in section 7, in **most Member States**,¹²⁵ **accommodation centres cooperate with other stakeholders (e.g. law enforcement authorities, relevant NGOs, and social services) to prevent serious breaches of accommodation centre rules and seriously violent behaviour displayed by applicants for international protection.**

Law enforcement authorities are the main actors with whom accommodation centres cooperate to prevent (and respond to) transgressive behaviour.¹²⁶ In Croatia and the Czech Republic, the police occasionally inspect accommodation centres to identify potential safety risks. In Latvia, the head of the asylum applicants' accommodation unit may organise interinstitutional meetings with representatives of the State Police, the State Border Guard, State Security Service and the Ministry of the Interior in order to identify possible violations of public order. The Netherlands has established a working group on transgressive behaviour within and outside accommodation centres that includes several law enforcement and immigration authorities,¹²⁷ and in Belgium, accommodation centres have signed a cooperation agreement with the local police to exchange information on incidents and security risks.

In several Member States, accommodation centres cooperate with **NGOs** working with refugees or specialising in addiction or domestic violence.¹²⁸ Germany has started a project with an NGO¹²⁹ to identify special protection needs in initial reception facilities in order to better address those needs and prevent future incidents. In Croatia, NGOs provide psychosocial support and healthcare to applicants and organise various social activities to help residents to make the most of their free time and cope more easily with their circumstances.

In a number of Member States, accommodation centres cooperate with **social services and special care providers**,¹³⁰ as well as with **municipalities and other local authorities**.¹³¹ Some Member States¹³² reported that accommodation centres cooperate directly with child services.

Box 5: Cooperation with child and youth welfare services in Germany

In Germany, Save the Children Deutschland e.V., together with Plan International Deutschland e.V., started the project 'Together for more participation of refugee children and families in the child and youth welfare system. Provide access and promote cooperation!' The project aims to improve access to the child and youth welfare system for refugee children and their families in initial reception facilities. Two Länder governments are supported in their endeavours to develop cooperation between their initial reception facilities and independent child and youth welfare services.

8.2. Cooperation on responses to serious breaches of the rules of accommodation centres and seriously violent behaviour

In most Member States,¹³³ **accommodation centres cooperate with other stakeholders (e.g. police, healthcare services, immigration authorities and social services) to respond to serious breaches and seriously violent behaviour displayed by applicants for international protection.**

In the case of violent behaviour, accommodation centres in most Member States¹³⁴ **notify the police**, who then decide on the most appropriate action to investigate and follow-up the violence. Where necessary, and depending on the gravity of the offence, cooperation with the Public Prosecutor services may also be required.¹³⁵ In the Netherlands, the police are notified in most cases, but where there are underlying mental health issues causing the disruptive behaviour, the mental health institutions may be notified instead of the police. Additionally, accommodation centres in several Member States¹³⁶ also cooperate with **healthcare services** in responding to violent incidents. Information on breaches of rules or violent behaviour is also provided to **immigration authorities in some cases**.¹³⁷

Cooperation with **social services** is in place in several Member States,¹³⁸ particularly when violence is committed by children or individuals belonging to vulnerable groups. In Luxembourg, depending on the nature of the

125 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, LV, MT, NL, PL, SI, SK.

126 AT, BE, CZ, EE, ES, HR, LT, LU, LV, NL, PL, SI.

127 Aliens Police, the Identification and Human Trafficking Department (AVIM), the Repatriation and Departure Service, the COA, the IND and the Public Prosecution Service.

128 AT, BE, BG, CZ, DE, ES, FR, HR, LT, LU, MT, PL, SI, SK.

129 Implemented by the Federal Association of Psychosocial Centres for Refugees and Victims of Torture (BAFF) and the NGO Rosa Strippe e.V.

130 AT, BE, BG, CY, CZ, DE, EE, ES, FR, IE, IT, LT, PL, SI.

131 BE, CZ, ES, FI, FR, IT, LV, PL.

132 AT, CZ, EE, HR, IE, SI.

133 AT, BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.

134 AT, BE, BG, CY, CZ, EE, ES, FR, HR, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK.

135 BE, EL, FR, IT, LU, NL, PL, SK.

136 AT, BE, BG, HR, IE, LU, LV, NL, PL, PT, SK.

137 AT, ES, FI, FR, IT, LU, NL, PT, SK.

138 AT, BE, CZ, HR, LT, LU, PL, PT, SE, SI.

violent act and the persons involved (adults, minors or vulnerable persons), social assistants may be called upon to mediate, with the support of intercultural mediators. Victims and/or the other residents affected by the violence can also be referred to specialised associations or hospitals.

Box 6: Poland's Local Cooperation Teams – responding and preventing sexual and gender-based violence in accommodation centres

In cooperation with the United Nations High Commissioner for Refugees (UNHCR), the Chief of the Police, 'La Strada' Foundation and the H. Nieć Legal Aid Centre, the Polish Immigration Office ratified an Agreement on Standard Operating Procedures on recognising, counteracting and responding to cases of sexual and gender-based violence against foreigners staying in accommodation centres.

The main outcome of this agreement was the establishment of Local Cooperation Teams (LCT) comprising social workers, local police officers, Border Guards, local schools, medical personnel and NGOs. Each accommodation centre in Poland has an LCT that responds to any situation of sexual and gender-based violence and monitors the overall situation in accommodation centres (i.e. the degree of risk of violence, destructive behaviour and the situation of families where violence has been reported).

LCT members meet at least every quarter to exchange information on the situation in the accommodation centres. They also organise information and awareness sessions for women on physical and psychological violence, their rights, and where and how to seek assistance.

Where necessary, victims of violence and their relatives can be provided with medical assistance and access to psychological support, as well as legal assistance to initiate criminal proceedings against an aggressor.

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Estonia www.emn.ee/

Finland www.emn.fi/in_english

France www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2

Germany <https://www.bamf.de/EN/Themen/EMN/emn-node.html>

Greece <http://emn.immigration.gov.gr/en/>

Hungary www.emnhungary.hu/en

Ireland www.emn.ie/

Italy www.emnitalyncp.it/

Latvia www.emn.lv/en/home/

Lithuania www.emn.lt/en/

Luxembourg <https://emnluxembourg.uni.lu/>

Malta <https://emn.gov.mt/>

The Netherlands <https://www.emnnetherlands.nl/>

Poland <https://www.gov.pl/web/europejska-siec-migracyjna>

Portugal <https://rem.sef.pt/>

Romania <https://www.mai.gov.ro/>

Spain <https://extranjeros.inclusion.gob.es/emn-Spain/>

Slovak Republic <https://emn.sk/en/>

Slovenia <https://emm.si/en/>

Sweden <http://www.emnsweden.se/>

Norway <https://www.udi.no/en/statistics-and-analysis/european-migration-network---norway>

Georgia https://migration.commission.ge/index.php?article_id=1&clang=1

Republic of Moldova <http://bma.gov.md/en>